

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SUSAN M. SMITH,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	No. 05-CV-6584
Commissioner of the	:	
Social Security Administration,	:	
Defendant	:	

ORDER

AND NOW, this day 24th of January, 2007, upon consideration of the parties' cross-motions for summary judgment, and after careful review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice to which Defendant filed no objections, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Defendant's motion for summary judgment is DENIED.
3. The Plaintiff's motion for summary judgment is GRANTED in part.
4. The matter is remanded to the Commissioner to: (a) assess Smith's credibility; and
(b) obtain testimony from a medical expert to assist in determining whether Smith's impairments became disabling before her date last insured of March 31, 1994.
5. The Clerk's Office shall close this case for statistical purposes.

AND IT IS SO ORDERED:

/s Paul S. Diamond

PAUL S. DIAMOND, J.

